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SOUTHERN DISTRICT OF CALIFORNIA
BY DEPUTY

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

(HONORABLE JANIS L. SAMMARTINO)

UNITED STATES OF AMERICA, Plaintiff, v. JOSE BAUDILIO GASTELUM, Defendant.	CASE NO. 08cr2032-JLS DATE: August 21, 2008 TIME: 9:00 a.m. STIPULATION OF FACTS

STIPULATION OF FACTS

It is agreed, between the defendant, Jose Gastelum, through his attorney, Robert Rexrode, and the attorney for the United States, Assistant United States Attorney, Charlotte Kaiser, that the following facts may be considered by Judge Janis Sammartino in deciding the pre-trial motions filed in this case:

1. In a videotaped deposition, taken on August 12, 2008, Jose Toledo-Corrales, testified as follows:
   a. He was detained by federal agents on June 5, 2008.
   b. On that day, he was a passenger in a car stopped by federal agents.
   c. Before he felt the car run over a "spike-strip," he did not hear any sirens.

d. Before he felt the car run over a "spike-strip," he did not see any emergency lights.

e. The car he was a passenger in had four doors.

f. He was sitting in the back seat of the car, with five other passengers.

g. The back windows of the car were rolled up.

h. He believes the front windows of the car were down, as he felt wind flowing through the car.

i. There was no music playing in the car.

j. After the car ran over the "spike-strip," the car continued for some time before coming to a stop.

k. Once the car came to a stop, the driver, whom Mr. Toledo-Corrales identified as Mr. Gastelum, left the car.

2. In a videotaped deposition, taken on August 12, 2008, Ernesto Martinez-Mosqueda, testified as follows:

a. He was detained by federal agents on June 5, 2008.

b. On that day, he was a passenger in a car stopped by federal agents.

c. Before he felt the car run over a "spike-strip," he did not hear any sirens.

d. Before he felt the car run over a "spike-strip," he did not see any emergency lights.

e. The car he was a passenger in had four doors.

f. He was sitting in the back seat of the car, with five other passengers, and next a woman who occasionally blocked his view, although he did at time see out of the car and once noticed a border patrol car pass.

g. The back windows of the car were rolled up.

h. He believes the front windows of the car were down, as he felt wind flowing through the car.

i. There was no music playing in the car.

j. After the car ran over the "spike-strip," the car continued for some time before coming to a stop.

k. Once the car came to a stop, the driver, whom Mr. Martinez-Mosqueda identified as Mr. Gastelum, left the car.

3. In a videotaped deposition, taken on August 14, 2008, Blanca Morado-Lopez, testified as follows:

a. She was detained by federal agents on June 5, 2008.

b. On that day, she was a passenger in a car stopped by federal agents.

c. She was in the front passenger seat of the car.

c. Before she felt the car run over a "spike-strip," she does not recall hearing any sirens.

d. Before she felt the car run over a "spike-strip," she does not recall seeing any emergency lights.

e. Ms. Morado-Lopez testified that she observed Mr. Gastelum speaking on a cellular phone, discussing who was following the car and where he was headed.

f. After the car ran over the "spike-strip," the car continued for some time before coming to a stop.

g. Once the car came to a stop, the driver, whom Ms. Morado-Lopez identified as Mr. Gastelum, left the car.

Dated: 8/21/08

ROBERT H. REXRODE, III
Attorney for Mr. Gastelum

Dated: 8/21/08

CHARLOTTE KAISER
Assistant United States Attorney